

FILED

FEB - 1 2017

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

KARL FONTENOT,
Petitioner,

V.

JOE ALLBAUGH, Department
of Corrections Interim Director,

Respondent

PATRICK KEANEY
Clerk, U.S. District Court
By _____
Deputy Clerk

Case No. CIV 16-069-JHP-KEW

EX PARTE MOTION FOR LEAVE TO FILE MOTION UNDER SEAL

Karl Fontenot, Petitioner, by and through undersigned counsel, asks the Court to order for leave of the Court to file this motion, the accompanying Petitioner's Sealed Motion for Subpoenas Duces Tecum and the related Orders under seal.

In support of his request, counsel cites the necessity to ensure that the subpoenaed documents are provided in their entirety. Some of the constitutional claims raised by Mr. Fontenot in his Petition for Habeas Corpus arise from the withholding of evidence from Mr. Fontenot by the agencies in possession of the documents Petitioner now seeks to subpoena. These are the same agencies that have been found by this district to have previously withheld evidence from criminal defendants. *Williamson vs. Reynolds*, 94-CV-00539-FHS. The Court's issuance of the requested subpoena duces tecum under seal will help ensure the discovery process is reliable and complete.

WHEREFORE, the Defendant respectfully requests this Court to allow this motion, the Sealed Motion for Subpoenas Duces Tecum, and the orders related to it, to be filed under seal.

Respectfully submitted,

OFFICE OF THE FEDERAL PUBLIC DEFENDER
Julia L. O'Connell, Federal Public Defender

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Certificate of Service

I hereby certify that service upon Government's Counsel is not necessary because this document is filed under seal and ex parte.

s/Rob Ridenour
Rob Ridenour